

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, November 14, 2007 – 9:00 a.m. – Room W020 House Building

Members Present:

Sen. D. Chris Butters, Senate Chair
Sen. Allen M. Christensen
Sen. Jon J. Greiner
Sen. Scott D. McCoy
Rep. John Dougall
Rep. Jack R. Draxler
Rep. Julie Fisher
Rep. Wayne A. Harper
Rep. David Litvack
Rep. Rosalind J. McGee
Rep. Ronda Rudd Menlove

Rep. Phil Riesen
Rep. Stephen E. Sandstrom

Members Absent:

Rep. Paul Ray, House Chair

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Catherine J. Dupont, Associate General Counsel
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Butters called the meeting to order at 9:00 a.m. Rep. Ray was excused from the meeting.

MOTION: Sen. Christensen moved to approve minutes of the September 19 and October 17, 2007 meetings. The motion passed unanimously.

2. Child Welfare Definitions

Rep. Harper discussed 2008 General Session draft legislation, "Child Welfare Definitions." He explained that the bill recodifies overlapping, conflicting, ambiguous, or duplicative definitions and adds new definitions.

Mr. Duane Betournay, DCFS (Division of Child and Family Services), spoke in support of the bill.

Ms. Gayle Ruzicka, Eagle Forum, expressed concern that the definition of emotional injury may be too broad and that without a strong definition it will continue to be misused.

Mr. Vaughn pointed out that the term "emotional" has been used throughout the code in the past to describe that type of harm.

Rep. Dougall requested Ms. Ruzicka work with the sponsor to clarify the language.

Sen. McCoy indicated that the change proposed by Ms. Ruzicka is substantive and would be better addressed in another bill.

MOTION: Rep. Harper moved to adopt 2008 General Session draft legislation, "Child Welfare Definitions" as a committee bill. The motion passed unanimously.

3. Surgical Centers

Mr. Jeff Love, President, Utah Ambulatory Surgery Center Association, introduced himself and Mr. Brian Berg, Legislative Policy Specialist. Mr. Berg distributed a copy of his presentation to the Committee. He requested that an opportunity be created for all surgical centers, not just those that are

owned by or affiliated with hospitals participating in Medicaid managed care arrangements, to participate in all Medicaid programs. He also requested that the savings realized be utilized to maintain or increase physician participation in Medicaid and for other Medicaid programs.

Mr. Michael Hales, Director, Division of Health Care Financing, stated that Utah's Medicaid program is willing to look at any opportunity for savings. He noted that not all surgical centers are excluded from Medicaid managed care organization provider panels.

4. Child Welfare Legislative Oversight Panel

Rep. Litvack distributed a copy of the Child Welfare Legislative Oversight Panel 2007 Annual Report. He reviewed the legislation recommended for the 2008 General Session.

Rep. Harper discussed 2008 General Session draft legislation, "Child Welfare Amendments," which was distributed to the Committee. He said the bill amends background check and child placement provisions. The bill also allows for emergency kinship placement under certain conditions.

Mr. Betournay commented that the bill provides DCFS with the discretion and flexibility needed for kinship placements. He expressed support for the bill.

Ms. Jacci Graham, Director of Grandfamilies, a support group provided by The Children's Society of Utah, said her organization is in favor of quickly getting children into the care of kinship providers.

Ms. Ruzicka indicated that the issue of how backgrounds checks under the Adam Walsh Act affect state funding needs to be fixed on a federal level.

MOTION: Sen. McCoy moved to adopt 2008 General Session draft legislation, "Child Welfare Amendments" with a favorable recommendation as a committee bill. The motion passed unanimously.

Referring to "Child Abuse and Neglect Registry-Management and Licensing Information Systems Amendments," draft legislation considered by the Child Welfare Legislative Oversight Panel, Mr. Betournay said that he agreed that unsupported findings should not be used in custody matters; however, he expressed concern with removing unsupported findings from the database because they provide a history of potential child abuse in a case.

5. Sunset Review: Pilot Program for Supported Employment Services

Rep. Menlove discussed 2008 General Session draft legislation, "Supported Employment Services to a Person with a Disability." She distributed "HB-31 SE Pilot Outcome Report" which outlines the program's accomplishments to date.

Dr. George Kelner, Director, Division of Services for People with Disabilities, pointed out that the pilot program has provided an opportunity for employment and that the employment provides families a break from caregiving for an average of 19 hours per week. He asked that the program be continued.

MOTION: Sen. Christensen moved to adopt 2008 General Session draft legislation, "Supported Employment Services to a Person with a Disability" as a committee bill with an amendment to include a five-year sunset. The motion passed unanimously. Rep. Dougall and Rep. Draxler were absent for the vote.

6. Medicaid Interim Committee

Sen. Christensen distributed and reviewed "Summary of Actions, 2006-07." The report from the Medicaid Interim Committee outlines the issues the Committee addressed during the 2006 and 2007 interims and actions taken by the Committee.

Dr. David N. Sundwall, Executive Director, Department of Health, discussed savings generated so far from the use of the Medicaid preferred drug list.

MOTION: Sen. McCoy moved to accept the report of the Medicaid Interim Committee. The motion passed unanimously. Rep. Dougall and Rep. Draxler were absent for the vote.

7. Adoption

Rep. Sheryl Allen discussed 2008 General Session draft legislation, "Adoption and Termination of Parental Rights." The bill is a result of the annual review of the Utah Adoption Council.

Mr. Larry Jenkins, adoption attorney, reviewed the amendments proposed to the bill. He stated the bill attempts to correct the more practical issues that arise with adoption.

Ms. Chris Bray, Children's Service Society, spoke in support of the proposed legislation.

MOTION: Rep. Menlove moved to adopt 2008 General Session draft legislation, "Adoption and Termination of Parental Rights," with a favorable recommendation as a committee bill. The motion passed unanimously. Sen. Buttars and Rep. Dougall were absent for the vote.

8. Community Health Information Network

Rep. Menlove discussed 2008 General Session draft legislation, "Standards for Exchange of Electronic Health Information" which proposes the implementation of a statewide e-health initiative.

Dr. Sundwall distributed a handout, "Standards for Secure Exchange of Electronic Health Information," related to the draft legislation. He said the draft bill will provide a tool for a statewide e-health initiative. He said the department will take all precautions necessary to make sure the information is secure.

Ms. Dupont briefly discussed how the exchange of information will occur.

MOTION: Rep. Riesen moved to adopt 2008 General Session draft legislation, "Standards for Exchange of Electronic Health Information" with a favorable recommendation as a committee bill. The motion passed unanimously.

9. Education and Outreach Regarding Harmful Substances During Pregnancy

Rep. Menlove discussed 2008 General Session draft legislation, "Education and Outreach Regarding Substances Harmful During Pregnancy."

Mr. Craig PoVey, Division of Substance Abuse, noted that education needs to be offered regarding fetal alcohol syndrome.

Ms. Anastasia Froget, Utah Director for the International Coalition for Drug Awareness, outlined the health risks associated with the use of antidepressants which are often prescribed to address substance abuse. She distributed a copy of written remarks on behalf of Dr. Ann Blake Tracy.

MOTION: Sen. McCoy moved to adopt 2008 General Session draft legislation, "Education and Outreach Regarding Substances Harmful During Pregnancy" with a favorable recommendation as a committee bill.

Rep. Litvack requested that the bill be sent through a standing committee during the 2008 General Session if it cannot be handled within existing budgets.

The Committee voted on the motion which passed unanimously. Rep. Sandstrom was absent for the vote.

10. Exemptions from Child Care Licensing Requirements

Rep. McGee distributed "Child Care Licensing Exemption Clarifications." She noted that the challenge is to maintain a level playing field in terms of requiring child care providers to comply with health and safety regulations. She indicated she has been working with the Bureau of Child Care Licensing and stakeholders to develop options for clarifying the licensing statute that exempts from licensing child care related to certain education institutions. She discussed the list of possible solutions.

Ms. Teresa Whiting, Bureau of Child Care Licensing, explained which child care categories would be exempt from licensure.

Ms. Susan Landgraf, Challenger School, said she believed there is no need for further regulation of private schools. There is no mandate to expand regulatory control. She said there is no compelling reason to continue to pursue the matter.

Rep. Dougall disclosed that his children have attended Challenger School in the past.

Ms. Barbara Baker, Challenger School, clarified what current statute says regarding educational programs and their purposes.

Ms. Alda Jones, concerned citizen, distributed a letter to the Committee. She commented that public law is created to protect all children. Currently there are children, who are in danger, in public buildings that are legally license exempt.

Mr. Johnny Anderson, Utah Private Child Care Association, said his association believes in public health safeguards that state licensing provides. He noted the law has not kept up with the drastic changes that have taken place in the industry. He disagreed with the proposals that have been submitted.

Ms. Karen Silver, Advocate with Salt Lake Community Action Program, spoke in favor of legislation to clarify the current statute.

11. Adjourn

MOTION: Sen. McCoy moved to adjourn. The motion passed unanimously.

Chair Buttars adjourned the meeting at 12:00 p.m.